

**SEMINOLE COUNTY
NOTICE OF PUBLIC HEARING
TO BE HELD ON
JUNE 23, 2003 AT 6:00 P.M.**

Notice is hereby given that the Seminole County Board of Adjustment (BOA) will conduct a public hearing as noticed above, or as soon thereafter as possible, in the County Services Building, 1101 East First Street, Sanford, Florida, Room 1028 (Board Chambers). The purpose of this hearing is to take action on the following items:

MEMBERS PRESENT: Wes Pennington, Mike Hattaway, Lila Buchanan, Alan Rozon

MEMBER ABSENT: Dan Bushrui

ALTERNATE PRESENT: Bob Goff

ALSO PRESENT: Matt West Planning Manager, Jeff Hopper, Senior Planner J.V. Torregrosa, Planner Tony Walter, Principal Planner, Tony Matthews, Principal Planner, Kathy Fall, Senior Planner, Earnest McDonald, Principal Coordinator, Steve Lee, County Attorney, Karen Mathews, Sr. Staff Assistant.

APPEAL ITEMS:

1. David E. Axel, Appellant; Appeal from an administrative decision of the Planning Manager to deny a request for a boat house and dock permit, prior to the establishment of a single-family residence in the A-10, A-5 & A-3 (Rural Zoning Classification Districts). Matthew West, Planning Manager
(No public comment will be received for this item.)

Dave Axel addressed the board to say that he is the developer of this project known as Mills Cove, which is 29 lots; each with a minimum of 1 acre and 150 feet wide at the building line. He said that Section 30.102a of the Land Development Code is vague. He doesn't interpret a boat dock as an accessory structure according to the code. The code defines accessory structures as a subordinate use to the main use of the land. He explained that many times, the cost of the land exceeds the value of the home just because it is on the water and that makes it not incidental. The code defines a garage or a guest cottage as an accessory use; but he couldn't find boat docks mentioned anywhere in the code.

Mr. Goff stated that he had could see no problem with putting a dock on a vacant piece of land.

Ms. Buchanan stated that she agreed with Mr. Goff, but there is definitely some inconsistency in the code and that it needs to be addressed. She interprets the code as saying that a permitted use would be a single-family home with one (1) accessory building.

Chairman Hattaway asked Matt West about the original intent of the code.

Mr. West replied that the intent is to first establish the primary use. The code needs to be rewritten to make it more clear.

Mr. Pennington asked Mr. West to explain the difference between a boat house and a dock.

Mr. West explained that a boathouse has a roof that can be enclosed on one or more sides and a dock is open to the sky. There are also size regulations that can be placed on a boathouse and occupants can't live there without approval of the Board of County Commissioners.

Chairman Hattaway said that he had looked everywhere in the code and he couldn't find a clear definition anywhere. He asked if the board had the authority to grant a waiver?

Mr. West said that he would have to refer that question to Steve Lee of the County Attorney's Office.

Steve Lee addressed the board to say that this board cannot grant a waiver but can overturn Mr. West's decision.

Lila Buchanan made the motion to deny the appeal for a boat dock in the A-10, A-5, and A-3 zoning districts and to recommend that the Board of County Commissioners look at Section 30.102a and change the wording in all of the zoning districts.

Wes Pennington seconded the motion.

Vote was 4-1 with Mr. Goff voting nay.

CONTINUED ITEMS FROM MAY 19, 2003:

2. 180 HICKMAN DRIVE - Thomas Sign & Awning Company; C-2 (Retail Commercial District); Ground sign height variance from 15 feet to 50 feet; located on the west side of Hickman Drive, approximately 0.1 mile north of the State Road 46 and Hickman Drive intersection (BV2003-029).

Earnest McDonald, Principal Coordinator
District 5 – Commissioner McLain

Earnest McDonald addressed the board to say that the applicant is requesting a ground sign height variance from 30 feet to 40 feet. A previous variance request was granted in 1995 from 15 feet to 30 feet. With the current improvements to I-4, the road crown has increased from 14.76 feet to 18.85 feet. The applicant wishes to add 10 feet to the existing sign to increase the height to 40 feet. The original request on this application was for 50 feet but the applicant has since amended that request to 40 feet to allow for visibility of other existing signs in the immediate area.

There were no questions for the applicant and no one spoke for or against the request.

Wes Pennington made a motion to approve the request.

Lila Buchanan seconded the motion.

Vote was unanimous to approve.

3. 2270 POINSETTIA DRIVE - William & Nancy Shrock; R-1AA (Single-Family Dwelling District); Rear yard setback variance from 30 feet to 5 feet for a proposed two story garage; located on the north side Poinsettia Drive, approximately 176 feet east of the West Lake Brantley Road and Poinsettia Drive Intersection (BV2003-024)
District 3 - Commissioner Van Der Weide
Earnest McDonald, Principal Coordinator

This item has been withdrawn.

CONSENT ITEMS:

Earnest McDonald asked that 2775 Osceola Road and 2880 Stone Street be moved to the Regular Agenda.

Alan Rozon made the motion to approve item 5 (963 Tripp Road) and item 7 (Palm Way (Lot 4) as requested.

Wes Pennington seconded the motion.

Vote was unanimous to approve.

5. 963 TRIPP ROAD - Jason & Christine Leslie; Special exception to place a mobile home in the A-5 (Rural Zoning Classification District) for up to 10 years; located approximately 0.2 mile south of the Lake Harney Road and Tripp Road intersection (BM2003-005).
District 5 - McLain
Earnest McDonald, Principal Coordinator

7. PALM WAY (LOT 4) - David E. Hall; R-1 (Single-Family Dwelling District); Minimum width at building line variance from 70 feet to 65 feet; located on the west side of Palm Way, approximately 0.1 mile west of the Rose Drive and Sanford Avenue intersection (BV2003-067).
District 5 - McLain
Earnest McDonald, Principal Coordinator

REGULAR ITEMS:

4. 2775 OSCEOLA ROAD - Bruce Patti; Special exception to place a mobile home in the A-5 (Rural Zoning Classification District) for up to 3 years; located on the north side of East Osceola Road (BM2003-004).

District 5 - McLain

Earnest McDonald, Principal Coordinator

Earnest McDonald stated that staff has recently been advised that this property is part of Osceola Bluff and that mobile home placement is not to exceed 1 year during the actual construction of a single-family home.

Bruce Patti, applicant, addressed the board to say that he would like to build a house immediately, but he needs to wait a year to get financing. He has talked to several of his neighbors, and they have no objection to his request.

Mr. Hattaway explained that certain areas are not compatible for mobile homes. Staff is saying that Mr. Patti has to pull a permit before he can put the mobile home there.

Mr. McDonald stated that there are deed restrictions in this area stating that a mobile home is only allowed for one year.

Mr. Patti asked if he had any other recourse and Mr. Hattaway stated that he could appeal the board's decision.

Alan Rozon made the motion to approve for one year with staff recommendations.

Lila Buchanan seconded the motion.

Vote was unanimous to approve.

6. 2880 STONE STREET - Eric & Kimberly Kelley; Special exception for the permanent placement of a mobile home in the A-10 (Rural Zoning Classification District); located on the west side of Stone Street, approximately 2 miles north of the Stone Street and North County Road 426 intersection (BM2003-006).

District 2 - Morris

Earnest McDonald, Principal Coordinator

Mr. Kelley addressed the board to say that he is requesting permanent placement of the mobile home. He does intend to build, but does not have a time frame. The size of the property is 5 acres.

No one spoke in opposition to the request.

Charles Hollon who resides 1 1/2 miles to the south, stated that he would be delighted to have the Kelley's' as neighbors.

Alfred who lives 1/4 mile from this lot, stated that he is opposed to the request for a permanent mobile home. Most of the surrounding homes are stick built and Stone Street is not predominantly mobile homes.

Tom McCord who lives at 2310 Salt Creek Trail also spoke in opposition. He said that when he moved to the Black Hammock 15 years ago, he asked Seminole County for a permanent status for a mobile home and he was told that he could have only up to 5 years, so he built a stick built home instead. Stone Street is only 2 miles long and there are four new single-family homes just 1/4 mile east of this lot.

Lewis Vega stated that he owns the property adjacent to the west of this lot. He said his lot is vacant now, but he intends to build in the future and he is concerned about the economic impact to his property.

The applicant, Mr. Kelley said that the previous points made are valid but the lot is 5 acres and the mobile home will not be visible from the road. He then presented pictures of mobile homes and conventional homes on the street. To put a conventional single-family home on this lot would cost approximately \$170,000 and wouldn't be cost effective.

Lila Buchanan made the motion to deny the request.

Alan Rozon seconded the motion

Wes Pennington stated that he does not agree with the motion and he would be voting against it.

Ms. Buchanan stated that her perception is that the area is trending towards conventional homes and she would hate to see a permanent permit granted.

Vote was 3-2 to deny. Mr. Pennington and Mr. Goff voted nay.

Mr. McDonald pointed out that the agenda in the lobby is different than the agenda that the Board is looking at. The agenda in the lobby shows number 8 as 1900 County Road 419 while the board's agenda shows number 8 as 862 Lewis Place. The latter is the correct agenda.

8. 862 LEWIS PLACE - Christopher S. Young; PUD (Planned Unit Development District); Rear yard set back variance from 10 feet to 4 feet for a proposed pool; and (2) rear yard setback variance from 5 feet to 2 feet for a proposed screen enclosure; located on the north side of Lewis Place, approximately 0.1 mile east of the Ronald Reagan Boulevard and Marley Place intersection (BV2003-060).

District 2 - Morris

Earnest McDonald, Principal Coordinator

Mr. McDonald stated that staff recommends approval of this request.

Chairman Hattaway explained to the audience that with variances, the Board only approves the request. For example, if a lot is 100 feet wide, the variance is only approved for the 12 feet as stated on the variance request. The variance doesn't apply to the whole 100 feet of the back yard.

Bob Goff said that he had met with Don Fisher earlier today about this issue and Mr. Fisher suggested that this Board get guidance from the Board of County Commissioners in order to determine what the actual policy is. It used to be something different; that is if you requested 5 feet you got 5 feet for the entire 100 feet of the property. There is no set date when that policy of the past changed and became the policy of today. This Board is not a policy-setting board so he asked that staff seek guidance from the Board of County Commissioners because this issue needs to be resolved.

Chairman Hattaway said that he doesn't consider it really a policy change but more of a clarification of intent by the Board for the record. The board members agreed to proceed with the variance requests using the previous policy.

Chris Young addressed the board to say that he wished to put a pool in his back yard. Upon talking to his HOA, their policy doesn't allow any structures to project past the side of the main residence.

No one spoke in favor or opposition of the request.

Wes Pennington made the motion to approve.

Lila Buchanan seconded the motion.

Vote was unanimous to approve.

10. 2342 MARKINGHAM ROAD - Deborah S. Mitchell; R-1A (Single-Family Dwelling District); Rear yard setback variance from 30 feet to 7 feet for a proposed addition to an existing home; located on the south side of Markingham Road, approximately 224 feet east of the Markingham Road and Oxford Road intersection (BV2003-071).

District 4 - Henley

Earnest McDonald, Principal Coordinator

Mr. McDonald stated that staff recommends denial of the request unless the applicant can prove a hardship.

Deborah Mitchell addressed the board to say that the neighbors across the street and the neighbor to the rear is in agreement with their request. However, the neighbor in Lot 3 is opposed even though they have offered to put up an 8-foot fence and shrubs.

Mr. McDonald stated that he had received two letters in opposition to the request.

Lila Buchanan made the motion to approve the request.

Wes Pennington seconded them motion.

Vote passed 4-1 with Chairman Hattaway voting nay.

11. 2010 STATE ROAD 434 - Sid Monzadeh; C-2 (Retail Commercial District); Request for ground sign height variance from 15 feet to 50 feet for an existing pole sign; located on the southwest corner of the State Road 434 and I-4 intersection (BV2003-056).

District 3 - Van Der Weide

Earnest McDonald, Principal Coordinator

Mr. McDonald said that staff recommends denial of the request unless the applicant can prove a hardship.

Sid Monzadeh addressed the board to say that he is moving his dealership from downtown Orlando. He wants to sell high performance cars at this location, which is a former Exxon gas station. The current sign cannot be seen from I-4 and that is the reason for this request. He is not making any changes to the sign, but he is just going to paint the poles and replace the panels that are covered by a heavy-duty tarp paper.

No one spoke for or in opposition to the request.

Chairman Hattaway asked staff about the history of the Kobe sign.

Matt West explained that this board previously denied the Kobe sign request for 40 feet, but it was appealed and the Board of County Commissioners approved it at 35 feet. This board also denied the Hess station and the Board of County Commissioners approved it at 50 feet.

Wes Pennington made the motion to approve the request at 50 feet with the hardship being that the vegetation makes it hard to see from I-4.

Bob Goff seconded the motion.

Vote was unanimous to approve.

12. 2090 HURSTON AVENUE - Wynner Lowery; R-1 (Single-Family Dwelling District); Front yard setback variance from 25 feet to 12 feet for an existing home; (2) side yard setback variance from 7.5 feet to 5 feet for an existing addition; and (3) minimum lot size variance from 8,400 square feet to 7,500 square feet; located on the west side of Hurston Avenue, approximately 0.1 mile east of the Hurston Avenue and Brisson Avenue intersection (BV2003-053).

District 5 - McLain

Earnest McDonald, Principal Coordinator

Mr. McDonald stated that staff recommends approval of the front yard setback variance and the minimum lot size variance but recommends denial of the side yard setback variance for the unpermitted construction.

Raymond Williams spoke on behalf of the applicant and said that he didn't know he needed a permit to build a closet on the side of the house.

No one spoke for or in opposition to the request.

Lila Buchanan made the motion to approve the front yard setback

Wes Pennington seconded the motion.

Vote was unanimous to approve.

Lila Buchanan made the motion to approve the lot size variance.

Wes Pennington seconded the motion.

Vote was unanimous to approve.

Lila Buchanan made the motion to approve the side yard setback from 7.5 feet to 5 feet.

Wes Pennington seconded the motion.

Vote was unanimous to approve.

13. 1231 ALBERTA STREET - R-1AA (Single-Family Dwelling District); Side yard setback variance from 10 feet to 7.33 feet for a proposed accessory building; located on the south side of Alberta Street, approximately 219 feet east of the Beach Avenue and Alberta Street intersection (BV2003-076)

District 4 - Henley

Earnest McDonald, Principal Coordinator

Mr. McDonald addressed the board to say that staff recommends approval of this request.

Kimberly Falcon addressed the board to say that because of the electrical components of their pool on the east side of the house, they were asking to put the accessory structure on the west side of the house.

Lila Buchanan asked what kind of structure they wanted to put up.

Ms. Falcon explained that it is a 12 x 24 pre-made shed.

Alan Rozon made the motion to approve the request.

Wes Pennington seconded the motion.

Vote was unanimous to approve.

14. 1085 AMANDA KAY CIRCLE - Debra I. Goodwin; R-AH (Affordable Housing Dwelling District); Rear yard setback variance from 25 feet to 18 feet for a proposed addition to an existing home; located on the west side of Amanda Kay Circle, approximately 0.1 mile south of Orange Boulevard. (BV2003-057).

District 5 - McLain

Jeff Hopper, Senior Planner

Jeff Hopper addressed the board to say that staff recommends denial of the request.

Debra Goodwin, applicant, addressed the board to say that her request is to add a screened porch with insulated roof to an existing 10 x 25 foot concrete slab.

No one spoke for or in opposition to the request.

Wes Pennington made the motion to approve the request.

Bob Goff seconded the motion.

Vote was unanimous to approve.

15. 1089 AMANDA KAY CIRCLE - Thomas R. Camp; R-AH (Affordable Housing Dwelling District) Rear yard setback variance from 25 feet to 18 feet for a proposed addition to an existing home; located on the west side of Amanda Kay Circle, approximately 0.1 mile south of Orange Boulevard. (BV2003-073).

District 5 - McLain

Jeff Hopper, Senior Planner

Jeff Hopper addressed the board to say that staff recommends denial of the request.

Thomas Camp, applicant, addressed the board to say that he wishes to add on a screen room with an aluminum roof to the back of his house. The area behind him is a heavily wooded strip of land with a subdivision beyond that.

No one spoke for or in opposition of the request.

Alan Rozon made the motion to approve the request.

Lila Buchanan seconded the motion.

Vote was unanimous to approve.

16. 2623 CAHILL WAY - Norman & Alice Farmer; PUD (Planned Unit Development District); Side street setback variance from 20 feet to 5 feet for a proposed 6 foot fence; located on the on the east side of Cahill Way, approximately 174 feet east of the Casa Verde Boulevard and Cahill Way intersection (BV2003-062).

District 5 - McLain

Tony Matthews, Principal Planner

Tony Matthews addressed the board that staff recommends denial of the request.

Wes Pennington asked if there was a sidewalk and how far the proposed fence would be from the sidewalk.

Mr. Matthews stated that the fence proposed fence would be five feet from the sidewalk.

Norman Farmer, applicant, addressed the board to say that he wished to put up the fence to provide a safe environment for his children to play in. He then presented pictures of his lot where he proposed to erect he fence. He has decided that since the utilities run at 5 feet on his property, he could live with 7.5 feet instead of 5 feet. Most of the play sets that he has looked at are about 22 x 13 feet with the manufacturer recommending an additional 6 feet as a safety perimeter. He then put a plan on the screen, which depicted other lots in his neighborhood that had been granted fence variances.

No one spoke for or in opposition to the request.

Wes Pennington made the motion to approve the request.

Bob Goff seconded the motion.

Vote was unanimous to approve.

17. 5074 GREAT OAK LANE - Gerald Dean Robison; R-1AAA (Single-Family Dwelling District); Rear yard setback variance from 30 feet to 22.09 feet for a proposed screen room addition; located on the west side of Great Oak Lane, approximately 0.3 mile south of the Wayside Drive and Great Oak Lane intersection (BV2003-061).

District 5 - McLain

Tony Matthews, Principal Planner

Tony Matthews addressed the board to say that staff recommends denial of the request.

Gerald Robison addressed the board to say that he has health problems that include a skin condition. He presented a written statement from his doctor and a letter of approval from his Homeowners Association.

No one spoke for or in opposition of the request.

Lila Buchanan made the motion to approve the request.

Wes Pennington seconded the motion.

Vote was unanimous to approve.

18. 140 ROANN DRIVE - Kimberly A. & Timothy A. Watson; RC-1 (Country Homes District); (1) Rear yard setback variance from 30 feet to 20 feet for a proposed pool; and (2) rear yard setback variance from 25 feet to 15 feet for a proposed pool screen enclosure; located on the east side of Roann Drive, approximately 0.2 mile south of the Roann Drive and Gabriella Lane intersection (BV2003-070).

District 1 - Maloy

Tony Walter, Principal Planner

Tony Walter addressed the board to say that the proposed pool and screen enclosure will be adjacent to potential wetlands and that is a concern. Also staff has received letters from two neighbors with the same concerns. Therefore, staff recommends denial of this request.

Kimberly Watson, applicant, addressed the board to say that to move the pool any further to the west would infringe on the septic drain field. She also stated that there were several trees close to the house that needed to be removed and presented pictures for the record. The pool will be placed as far from the creek as possible and a 3-foot retaining wall will be put up on the back side to keep anything from encroaching into the wetlands.

No one spoke for or in opposition of the request..

Lila Buchanan made the motion to approve.

Wes Pennington seconded the motion.

Vote was unanimous to approve.

19. EAST DANBY COURT - Engle Homes/Orlando; R-1AAA (Single-Family Dwelling District); Front yard setback variance from 25 feet to 21.14 feet for a proposed home; located on the east side of East Danby Court, approximately 0.1 mile from the East Danby Court and Tuskawilla Road Intersection (BV2003-059).

District 2 - Morris

Tony Walter, Principal Planner

Chairman Hattaway reminded the audience that this item has been withdrawn.

20. 3825 EMERALD ESTATES CIRCLE - Jeffrey Seward; R-1A (Single-Family Dwelling District); Rear yard setback variance from 30 feet to 25 feet for a proposed addition to an

existing home; located on the south side of Emerald Estates Circle, approximately 0.1 mile from the McNeil Road and Emerald Estates Circle intersection (BV2003-069).

District 3 - Van Der Weide

J.V. Torregrosa, Planner

J.V. Torregrosa addressed the board to say that staff recommends denial of this request.

Fred Henry, friend of the applicant, addressed the board to say that Mr. Seward's request is to build a storage room off of the bedroom. Mr. Seward's wife is handicapped and the room will be used for therapy related equipment.

No one spoke for or in opposition of the request.

Wes Pennington made the motion to approve.

Bob Goff seconded the motion.

Wes Pennington asked staff if a medical letter had been submitted with this request.

Mr. Torregrosa said that he had not received any such letter.

Vote was unanimous to approve.

21. 360 HICKORY DRIVE - William Randall Tyre; R-1AA (Single-Family Dwelling District); Fence height variance from 6 feet to 8 feet; located on the south side of Hickory Drive, approximately 0.2 mile from the Hickory Drive and Oranole Road intersection (BV2003-064).

District 3 - Van Der Weide

J.V. Torregrosa, Planner

J.V. Torregrosa addressed the board to say that the applicant had recently replaced a non-conforming 8-foot board-on-board fence without getting a permit to do so and because the applicant has not met the six requirements for a hardship, staff recommends denial of the request.

William Tyre, applicant, addressed the board to say he bought his house in August of 1987 and that his lot is unique to the neighborhood. His lot is lower than those around him and he presented pictures that showed the water standing in his yard after a good rain. The existing fence was rapidly deteriorating and he decided to replace it. He stated that his neighbors approved of him replacing the fence and they even offered to pay one-half of the cost.

John Pesh, a neighbor to the east, addressed the board to say that he has lived in his house for 31 years and that he approves of Mr. Tyre's fence.

Linda ???? stated that from her kitchen window she could look right into Mr. Tyre's bedroom if that fence wasn't there. She also appreciates the privacy and security that the fence provides.

None else spoke for or in opposition to the request.

Alan Rozon made the motion to approve.

Wes Pennington seconded the motion.

Vote was unanimous.

22. 2051 WESTBOURNE DRIVE - Gregory Dean Boatright; PUD (Planned Unit Development District); Rear yard setback variance from 5 feet to 3 feet for a proposed pool screen enclosure; located on the south side of Westbourne Drive, approximately 0.3 mile east of the Lockwood Boulevard and Westbourne Drive intersection (BV2003-072). District 1 - Maloy
Kathy Fall, Senior Planner

Kathy Fall addressed the board to say that request for a pool had been granted to this applicant back on April 28th of this year. The applicant has since realized that he now needs a screen enclosure around that pool. Staff recommends denial of this request because the applicant has failed to meet the requirements for a hardship.

JoAnn Boatright addressed the board to say that she has three small children and there is just not enough room around the pool for her children to play without possibly falling into the pool so that is the reason for the request. She presented letters of approval from her Homeowners Association and her neighbors.

Kathy Fall explained that if the request is granted, the screen enclosure would only be 3 feet from the property line.

Lila Buchanan made the motion to approve.

Wes Pennington seconded the motion.

Bob Goff asked about the location of the utility easements.

Kathy Fall stated that there are no easements located at the rear of the property.

Vote was unanimous.

23. 201 1ST STREET - Rosye Chowanski & Mark Pick; R-1 (Single-Family Dwelling District); Front yard setback variance from 25 feet to 15 feet to replace a roof on an existing home; and (2) side yard setback variance from 7.5 feet to 5 feet to replace a roof

on an existing home; located on the northeast corner of East 1st Street and Avenue D (BV2003-052).

District 1 - Maloy

Kathy Fall, Senior Planner

Kathy Fall addressed the board to say that staff recommends denial of this request because the requirements for a hardship have not been met.

Rose Chowanski addressed the board to say that she wants to replace her flat roof with a gable roof.

Bob Goff asked what was at the end of Avenue D?

Kathy Fall replied that Avenue D dead ends into a PUD.

No one spoke for or in opposition to the request.

Bob Goff made the motion to approve the request.

Alan Rozon seconded the motion.

Vote was unanimous.

24. 218 CLEARVIEW ROAD - Jairo A. Gonzalez; A-1 (Agriculture District); (1) Lot size variance from 43,560 square feet to 34,000 square feet; and (2) front yard setback variance from 50 feet to 40 feet for a proposed home; located on the north side of Clearview Drive, approximately 0.2 mile from the Clearview Road and Brumbley Road intersection (BV2003-058).

District 1 - Maloy

Kathy Fall, Senior Planner

Vicky Gonzales addressed the board to say that she wanted to preserve the trees in back of her house and that is the reason she is requesting a variance.

No one spoke for or in opposition to the request.

Wes Pennington made the motion to approve the request.

Lila Buchanan seconded the motion.

Vote was unanimous.

25. 1900 COUNTY ROAD 419 - Trinity Assembly of God; Special Exception to expand an existing church in the A-5 (Rural Zoning Classification District); located on the west side of County Road 419, approximately 348 feet south of the Riverwoods Drive and County Road 419 intersection (BS2003-013).

District 1 - Maloy
Kathy Fall, Senior Planner

Kathy Fall addressed the board to say that staff recommends approval of the special exception based on the original conditions imposed by the Board of Adjustment.

Walter Cutler, who lives directly north of the church, addressed the board to say that he appeared before this board two years ago when the original application was made and voiced a number of concerns. We did not expect the plans to change, which they have. At that time, the board said that the lights would be taken down. The current sodium vapor lights shine in my bedroom and keep me up all night. It's been over 730 days since I was told that those lights would be taken out. He stated that he has a problem with the church and their veracity. He was told the lights would be 50 feet from his property line. He then presented pictures that showed a light not 5 inches from his property line. Also, the church stated that they never park cars close to his property line. He pointed out his fence and one of their vehicles right next to it. He stated that he would like a 6-foot block wall or a 100% opacity greenery. He asked that if this board approves the request, he would like a block wall put up first. He then presented a picture of the church when it rains. Their parking lot is not paved and he has noticed gas, oil, and brake fluid draining there and migrating into his well. He also objects to people using his property as a golf course without his permission. When he came to the County Planning office, someone told him that this request had expired and they would notify the applicant that it had expired and that they would notify the applicant and also Code Enforcement to have the lights removed. We asked that the lights be extinguished at 10:00 p.m. and we would like to have that enforced.

Steven Riley addressed the board to say that he owns the property to the south of the church and agrees with what Mr. Cutler said. The church has changed the location of the building even though the footprint of the building is the same. Before there wasn't any parking up on his side of the property and that's why the neighbors only asked for the wall on the north side. But since the parking has moved to the south, he would like the same consideration that the church has given to the north side of the property. He stated that he opposes the whole building of this church. The plan shows a future building but it doesn't show the future parking to go with it. The plan also fails to show a sidewalk. It also seems that turn off lanes on 419 would be advisable.

Warren McKinsey, pastor, stated that the light post shown next to the house has not been on for two years; it is there, but doesn't go on at night. There are two outside lights in use now. We have eliminated two lights and a temporary sign. The church has changed a lot in four years and we have even painted the entire church. The property looks much better than it did several years ago. The church has been an integral part of the community since 1981. The old lights can't come down until some new lights can go up. There are some elderly people who need lighting and need to see.

Wes Pennington stated that he heard the neighbors' concerns three years and they have some valid concerns.

Chairman Hattaway stated that he would list the points that had been brought out. There is a concern about the wall on the south, sidewalk and decell lanes. There is also a concern about having a concrete wall and having the lights go off at 10:00 p.m.

Mr. Pennington stated that if the lights are off at 10:00 p.m. then some sort of security lighting would be necessary for the building.

Chairman Hattaway listed staff's conditions:

Landscape buffer at least 10 feet in width and six feet in height at the end of one year or a 6-foot masonry wall along the northern and southern property lines.

Staff would recommend the landscape buffer for the north and south but because that is not the active side of the building, staff would not recommend for the buffer on the west side of property. Bob Goff suggested that on the third condition, the outdoor lighting would be removed from the premises by a date certain. If they're going immediately pull their building permit or by Certificate of Occupancy or 30 days, they can keep their security while they are building. When they get their CO, the lights are gone and if they don't pull their building permit, the lights are gone in 30 days.

Kathy Fall stated that the site plan is awaiting approval of this special exception. The church has gone through the final site plan process.

Chairman Hattaway had some concerns about the 30 days.

Bob Goff amended his suggestion to say that if the church doesn't proceed within 60 days, the lights are gone.

Mr. Goff asked if the church was going to have existing lights off of the building? If it is off the building, it's one thing but if it is a light the way it is written, they can't have a security light by the front door. We don't want to exclude those type of security lights and have floodlights sitting on top of the building, lighting the entire property.

Kathy Fall asked if she could recommend that the security lights have motion sensors?

Mr. Goff replied affirmative.

Chairman Hattaway asked if the question of the sidewalk had been addressed in the site plan?

Kathy Fall stated that she did not see the sidewalk located on the site plan. She asked the applicant if their final site plan meets the Land Development Code requirements for a sidewalk?

The applicant replied that it does meet the requirements of the Land Development Code.

Chairman Hattaway asked the applicant about decel lane.

The applicant explained that it is a formal left turn lane. There is no proposed exterior lighting attached to the building except maybe for a couple of down lights up under the foyer. If we need to put up some type of wall or buffer to the south, that's what we will do. He had a question about the back. It's vacant with nothing but a horse arena back there. There is an existing fence, but the church will do what it has to do.

Wes Pennington made a motion to approve the request with staff recommendations that there is a buffer along the north and south sides and at the rear and the other lighting issues that were brought up.

Chairman Hattaway explained that the existing lighting shall be removed within 60 days of tonight. The lights would go off at 10:00 p.m. but would allow for security lighting around the building. That security lighting would be motion sensors.

Bob Goff explained that it was 60 days if they don't pull the permit or CO if they do.

Lila Buchanan seconded the motion.

Vote was unanimous to approve with the modifications.

25. 10TH STREET (CHULUOTA) - William Denny / Florida Wastewater Services; Special exception to expand the capacity of an existing wastewater treatment plant in the R-1 (Single-Family Dwelling District); located on the north side of East 10th street, approximately 374 feet east of the East 10th Street and County Road 419 intersection (BS2003-016).

District 1 - Maloy

Kathy Fall, Senior Planner

Kathy Fall addressed the board to say that the current facility operates at 100,000 gallons of wastewater per day and the proposed expansion would increase the total capacity to 400,000 gallons per day. The applicant will be required to improve 10th street to county standard from CR 419 to the access drive as shown on the proposed site plan. Staff recommends that no access be from Avenue C.

Tony Wiersbicki, applicant, addressed the board to say that he agrees with staff recommendations.

Wes Pennington asked about the distance of the nearest house.

Mr. Wiersbicki stated that it is approximately 150 to 200 feet to the west and approximately 100 feet to the east.

Alan Rozon pointed out that according to the report, no complaints have ever been filed against this facility.

Kathy Fall explained that there have been no complaints about odor; however there have been some complaints concerning their access off of Avenue C, which is an unpaved road. Staff's recommendation is to prohibit any future access from Avenue C and for the applicant to provide a paved road from CR 419 to access of the sight along 10th street.

The applicant stated that he would pave the road from CR 419 to the access point. He also said that we are exploring the alternatives for reuse applications within the approved subdivisions and school system.

Matt West, Planning Manager, stated that right now the County has a reclaimed water ordinance that only affects our public utilities.

No one

Alan Rozon made the motion to approve the request in accordance with the Development Order.

Lila Buchanan seconded the motion.

Vote was unanimous.

Chairman Hattaway stated that it seems that the agenda has gone sideways and perhaps we can straighten it out. He explained that it be more beneficial to him if he only received one agenda package rather than the two packages that staff sends out to the board members. To put items on the consent agenda and then pull them off is confusing to the public as well. He did like the idea of putting the special exceptions at the end of the agenda. Another thing that would be beneficial would be to eliminate the sign-up sheets out in the foyer.

Lila Buchan asked if there is some way that we can record these meetings without having to do it manually and stop the tape and wait for it to be changed?

Matt West explained that he has looked into that in the past. There is recording equipment here in place but it is controlled by the Clerk of the Court. We have a new group of people and maybe we can reopen that discussion. The quality of the recording we make is pretty poor compared to the quality of the tapes that the Board of County Commissioners has recorded. The other thought we had was to pull the video tape.

Lila Buchanan stated that it might be less embarrassing.

Mr. West explained that the reason for the two packets was to provide the map packages first so the members could go and visit the sites. The intent was that whatever was sent out with those maps, they should remain in that order.

Wes Pennington stated that the County has grown considerably and it's hard to find all of these places are. If the board could have something a little bigger, it would be helpful. He also asked for an explanation of the code in section 30.43. He asked what C. means?

Matt West stated that we talked about rewriting them last year but the County Attorney's office has been monitoring some court cases about those criteria and wanted to see what the courts had to say before we went ahead and rewrote everything and went off in a different direction. Those rulings should be coming out pretty soon. The six criteria are very ambiguous.

Alan Rozon explained that it would help him if the packet would follow the agenda

Mr. West explained that is probably how the mixup happened. Somehow the order got changed when the maps went out and then the reports went out. Staff will make sure they are consistent.

Bob Goff stated that when he got his final packet, he said that on the CR 419 issue, he had two different reports in two different locations in that packet and then there was a special exception that was stuck in the middle.

Alan Rozon explained that in his packet, there was one item on the agenda that wasn't even included. He was missing one issue entirely and had to share that item with Ms. Buchanan.

Bob Goff suggested sending the one mail out in a three-hole punched binder and then if anything needs to be added it can be sitting at our places then we can open the binder and insert the item. To tell me that there are letters of opposition and then not give me a copy is unacceptable.

Mr. West agreed and stated that it can be done that way; in fact the P&Z is put together in that exact manner.

Steve Lee, County Attorney, explained that the criteria means that if the variance would allow someone to build a two-story house in a zoning classification that doesn't allow two-story houses, then that benefit is not shared by the rest of the community

Mr. Pennington stated that it seems that this eliminates any opportunity to come in and question the setback variance.

Mr. Lee explained that if a swimming pool enclosure is not a permitted use, then if you granted it by a variance, you would be giving someone something that other people in the neighborhood didn't have. That's what that's intended to deal with.

Mr. Pennington stated that the other people in the neighborhood could still come and ask for the same thing.

Bob Goff stated that it would also be helpful to know how many other variances in the neighborhood had been granted. Or how many other mobile homes are in the neighborhood? If we had that information then at least we would know the trend of development in the neighborhood

Mr. West asked to discuss the issue of what had come up in the past. When someone submits a variance application, and if we notice another problem, such as a shed being too close to the property line, we will sometimes point out to the people that they might want to correct that action also. If it's the board pleasure that we just focus on the application at hand, and not point out other setback issues, that's okay, but staff would like to know the board's thoughts.

Wes Pennington said that you might as well clean up the whole mess at one time; otherwise Code Enforcement will have to go out and then the property owner will have to pay another \$185.00 anyway.

Mr. West stated that the reverse thought on this is that if there is a shed that doesn't meet setbacks, do we want that shed to be there forever? If you point it out and make it permanent then you can always have a shed there.

Chairman Hattaway brought up a concern that Mr. Goff had also expressed and that is what is actually being approved when we do a variance?. The intent of the majority of the board is to approve only that section of the property that is requested in the variance. Most times we don't know exactly what is being approved and that can cause all kinds of problems. If a lot is 150 feet wide and someone is putting on an addition that is 20 feet wide, the majority of this board is to approve it for that 20 feet that encroaches into that setback. We don't always know exactly where that 20 feet is. If we did it for the full width of the property, then we wouldn't have to worry about it. Therein lies the problem. If we don't want to look at the full width, then we might have to look at a survey that's submitted with the application. It is a good idea to ask the Board of County Commissioners to look into this question.

Bob Goff stated that we are using a process that demands preciseness and we are creating real problems down the road. But that is a decision of the Board of County Commissioners.

Mr. West explained that a lot of the folks that come up here don't know exactly where their property line is or exactly how much they want.

Chairman Hattaway stated that is not the point. The property owner needs to know exactly where that variance was granted. If we haven't granted the full width, where is it and how do we describe it?

Mr. Goff reiterated that the Board of County Commissioners needs to tell us yes or no.

Meeting was adjourned at 11:15 p.m.

Interested parties are encouraged to appear at this hearing and present written/oral input regarding the proposed items and related matters or submit written comments to plandesk@co.seminole.fl.us at the Seminole County Planning Division, 1101 East First Street, Sanford, FL 32771, Room 2201, telephone 407-665-7444; FAX 407-665-7385. This hearing may be continued from time to time as found necessary. Additional information regarding these matters is available for public review at the address above between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Human Resources Department ADA Coordinator 48 hours in advance of this hearing at 407-665-7944. Persons are advised that if they decide to appeal any decisions made at this hearing, they will need a record of the proceedings, and for such purpose they may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Florida Statutes, Section 286.0105).

BOARD OF ADJUSTMENT
BY: MIKE HATTAWAY, CHAIRMAN